

**IN THE THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-175-RJC**

KEITH LEONARDO SHROPSHIRE,)	
)	
Plaintiff,)	
)	
v.)	
)	
RENOICE E. STANCIL, Administrator)	
Bertie Correctional Institution,)	
)	
Defendant.)	
<hr style="width: 40%; margin-left: 0;"/>)	

ORDER

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment, (Doc. No. 11), and Defendant's Motion for Leave to File Excess Pages, (Doc. No. 12). The Court finds that good cause exists to allow Defendant's Motion for Leave to File Excess Pages.

ORDER AND NOTICE

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Plaintiff, who is proceeding pro se, of the heavy burden he carries in responding to the Defendant's Motion for Summary Judgment. The failure to properly support an assertion of fact or to address the Defendant's evidence or assertions of fact may result in the Court granting summary judgment in favor of Defendant, which is dismissal of Plaintiff's Complaint with prejudice. Such a dismissal would occur if there is no genuine dispute as to any material fact and the Defendant is therefore entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, the court shall grant summary judgment if the movant, Defendant in this instance, shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of

law. A material fact is one that could lead to judgment in favor of one party or another. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). A party may assert that a fact is genuinely disputed, or cannot be genuinely disputed, by submitting certain materials to the Court. Fed. R. Civ. P. 56(c). These materials include documents, declarations, and affidavits. Id. A declaration is a written statement subscribed as true under penalty of perjury. 28 U.S.C. § 1746. An affidavit is a written statement sworn before a notary public. Black's Law Dictionary, 62 (8th ed. 2004). Affidavits and declarations must be made on personal knowledge and set out facts that would be admissible in evidence. Fed. R. Civ. P. 56(c)(4).

IT IS, THEREFORE, ORDERED that Plaintiff shall have thirty (30) days from entry of this Order to file his response, including any evidence or other supporting documents, to the Defendant's Motion for Summary Judgment. (Doc. No. 11).

IT IS FURTHER ORDERED that Defendant's Motion for Leave to File Excess Pages, (Doc. No. 12), is **ALLOWED**.

Signed: May 18, 2012

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

